

Article VIII Health Related Agencies – Summary of Recommendations - Senate

This summary of recommendations is for the Article VIII regulatory agencies listed below. These agencies are responsible for the licensing and regulation of health professions.

- Texas State Board of Dental Examiners
- Texas Medical Board
- Texas Board of Nursing
- Optometry Board
- Board of Pharmacy
- Executive Council of Physical Therapy and Occupational Therapy Examiners
- Behavioral Health Executive Council
- Health Professions Council
- Board of Veterinary Medical Examiners
- Board of Chiropractic Examiners

	2020-21 Base	2022-23 Recommended	Biennial Change (\$)	Biennial Change (%)
General Revenue	\$78,610,764	\$82,137,401	\$3,526,637	4%
GR Dedicated	\$6,045,000	\$5,890,000	\$(155,000)	-3%
Other Funds	\$13,647,413	\$16,201,247	\$2,553,834	19%
All Funds	\$98,303,177	\$104,228,648	\$5,925,471	6%

*Net change in FTEs across these agencies amounts to +0.6.

Common Cross Agency Issues and Recommendations:

- Capitol Complex Relocation
 - All of the Article VIII health related agencies are a part of the first cohort of tenants that will be moving into the George H. W. Bush building at 1801 Congress during fiscal year 2022. Recommendations do not include exceptional item requests, comprised of both one-time and on-going expenses, related to relocation costs. These requests total \$7.8 million.
 - Requests include funding for movers, the purchasing of furniture and equipment, and various information technology maintenance and upgrades that are anticipated within their new spaces. Amounts requested also address anticipated constraints associated with no usable boardrooms being planned for within the George H. W. Bush building. Preliminary guidance received by agencies indicate that boardrooms will be within the building at 1601 Congress.
- Health Professions Council Contributions
 - The Health Professions Council (HPC) is funded entirely through Interagency Contracts (IAC). HPC's base for maintaining current obligations in 2022–23 is increasing by \$0.3 million due to increased costs in database hosting services and to absorb the increase in licensees brought on with the merger of the Texas State Board of Examiners of Psychologists (TSBEP) into the new Behavioral Health Executive Council (BHEC) pursuant to House Bill 1501 (86R). Recommendations include requested funding to cover these increases for the Board of Pharmacy and the Optometry Board.
 - HPC also identified a need for an upgrade to the Shared Regulatory Database to update it to the current versions of the software and an additional full-time equivalent (FTE) position to manage the additional workload from the licensee increase related to BHEC. HPC identified an increased cost of \$405,900 in Interagency Contracts for this purpose. Recommendations include exceptional item

requests related to these upgrades submitted by the Texas State Board of Dental Examiners, the Behavioral Health Executive Council, the Optometry Board, and the Board of Pharmacy.

- Since the introduced bill was filed, HPC has updated their request for this item. The agency is now requesting an additional \$42,630 in Interagency Contracts funding to add an additional Oracle software license. This funding is not included in recommendations.
- Peer Assistance Programs
 - Five health related regulatory agencies have a peer assistance program that was identified as behavioral health funding and included in the Statewide Behavioral Health Coordinated Expenditure Proposal and Plan. Peer assistance programs provide referrals to treatment providers, track compliance agreements, and provide education and support to impaired licensees and students.
 - Behavioral health funds were exempt from the 2020-21 5% reduction.
- Prescription Monitoring Program
 - The State Board of Pharmacy (TSBP) manages the Prescription Monitoring Program (PMP), which collects and monitors prescription data for controlled substances for prescribers, pharmacies, and patients through an online database. The introduced bill includes \$3.0 million in General Revenue Funds to maintain current obligations for the PMP.
 - Senate Bill 500, Eighty-sixth Legislature, 2019, the supplemental appropriations bill, provided funding for upgrades to the PMP database so that it could support certain enhanced features. TSBP requests an additional \$5.0 million in General Revenue Funds in the 2022-23 biennium to maintain these software subscriptions so that prescribers can continue using the enhanced features. These subscription costs would be an on-going cost. Recommendations do not include funding for this exceptional item request.
- Office of the Governor's Fee Reduction Initiative
 - In October 2019, the Office of the Governor requested executive branch agencies to develop plans to reduce occupational license fees to at least 75 percent of the national average for comparable or equivalent licenses.
 - Certain Health-related regulatory agencies expressed concerns regarding the associated decrease in revenue that would be anticipated following the adoption of reduced occupational licensing fees per this initiative. Reported estimated decreases ranged from \$25,000 to \$550,000 per biennium, amounts that could impact the provision of agency services as well as revenue deposited to the state treasury.

Agency Specific Issues and Recommendations:

- Texas State Board of Dental Examiners
 - The agency completed a reduction in force to meet 5% reduction goals for the 2020-21 biennium. Recommendations include a partial restoration amounting to \$56,560 in the 2022-23 biennium for an Anesthesia Investigator, a position which assists the agency in fulfilling the anesthesia permit holder inspection mandate outlined in Senate Bill 313, Eighty-fifth Legislature. Recommendations do not include an additional \$291,976 requested in General Revenue by the agency to fully restore the salaries for this position as well as two others lapsed to meet the five percent reduction target, a Director of Enforcement and a Statewide Investigator.
- Behavioral Health Executive Council
 - The agency reports a licensing backlog for the counseling and social work programs transferred from the Health and Human Services Commission (HHSC) to BHEC as of September 1, 2020. As of February 2021, the agency reports it has 103 un-reviewed

and 577 pending counseling applications and 61 un-reviewed and 2,702 pending social work applications. BHEC has made some changes to address the backlog including contracting with the Association of Social Work Boards for processing requests for exam eligibility by social work applicants, and reassigning some FTEs to each of those program areas to help with workload.

- Recommendations do not include \$288,320 in funding for an exceptional item request related to the hiring of 4.0 FTEs to further assist the agency in addressing the backlog, processing applications, and responding to the high volume of emails and phone calls received.
- Board of Chiropractic Examiners
 - The agency reports that the collection of revenue from application fees, licensing and renewal fees, and jurisprudence exam fees have decreased during the COVID-19 pandemic. New licensees are unable to take Part IV of their National Board of Chiropractic Examiners exams and many offices were closed from March through May, impacting the provision of services by both chiropractic practitioners and the agency.

Rider Highlights:

- Recommendations add a contingency provision for the Board of Veterinary Medicine's upcoming Sunset review to make the agency's appropriations for fiscal year 2023 contingent on the continuation of the agency by the Eighty-seventh Legislature. If the agency is not continued, then rider would authorize the use of the agency's fiscal year 2022 appropriations for the phase out of agency operations.
- Recommendations add a new rider that requires the Health Professions Council to work with the Texas Department of Licensing and Regulation and the Department of Information Resources to provide a report to the Legislative Budget Board by July 1, 2022 on the potential costs, savings, and benefits of transitioning the agency's shared regulatory database from the current contract vendor arrangement to the Texas Licensing System at the Texas Department of Licensing and Regulation.